

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11315
Non-Argument Calendar

RAYON PAYNE,

Plaintiff-Appellant,

versus

JUDGE LISA T. MUNYON,

individual capacity,

JUDGE REGINALD WHITEHEAD,

individual capacity,

JUDGE ERIC J. NETCHER,

individual capacity,

JUDGE LUIS CALDERON,

individual capacity,

JUDGE MICHAEL DEEN,

individual capacity, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:25-cv-00615-WWB-LHP

Before JILL PRYOR, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

On April 17, 2025, a magistrate judge issued two orders denying motions filed by Rayon Payne, pro se, for disclosure of information from the defendants and for service of process by the U.S. Marshals Service. Payne filed a motion asking the district court to certify the orders for interlocutory appeal under 28 U.S.C. § 1292(b). The district court did not rule on the motion but instead docketed it as a notice of appeal and transmitted it to us. We lack jurisdiction for two reasons.

First, we do not have jurisdiction to review the rulings under 28 U.S.C. § 1292(b) because the threshold procedural requirement for review under that statute has not been met. Section 1292(b) gives us jurisdiction to consider a petition for permission to appeal certain interlocutory rulings only if the district court first certifies in writing that immediate review satisfies the statutory requirements. *See* 28 U.S.C. § 1292(b). Payne clearly and explicitly sought such a certification from the district court. Because the district court did not grant Payne’s motion or otherwise certify any ruling for immediate review under § 1292(b), we lack jurisdiction.

Second, even if we accept Payne’s motion for § 1292(b) certification as a notice of appeal, as the district court treated it, we

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lack jurisdiction because the challenged rulings are neither final nor otherwise immediately appealable. Neither of the April 17 orders are final decisions because they did not dispose of Payne’s claims. *See* 28 U.S.C. § 1291 (providing jurisdiction over “final decisions of the district courts”); *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000) (explaining that a final decision “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment” (quotation marks omitted)). And both orders are effectively reviewable on appeal from a final judgment. *See Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 989 (11th Cir. 2022) (explaining that the collateral order doctrine allows for immediate appeal of certain orders that, inter alia, would be effectively unreviewable on appeal from the final judgment). Further, the district court’s later dismissal of the action does not cure the prematurity of this appeal. *See Robinson v. Tanner*, 798 F.2d 1378, 1385 (11th Cir. 1986) (explaining that, if a notice of appeal is filed from a nonfinal interlocutory order, a subsequent final order generally does not retroactively validate the premature notice).

Accordingly, this appeal is DISMISSED, sua sponte, for lack of jurisdiction. All pending motions are DENIED as moot.